

#44066

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF)	BK No. 19-33724
)	
Edgar Contreras,)	
)	Chapter: 13
)	
)	Honorable Jack B. Schmetterer
)	
Debtor)	
)	
)	

NOTICE OF MOTION

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on Wednesday, January 15, 2020 at 10:00am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Schmetterer in the United States Bankruptcy Court of the Northern District of Illinois, Eastern Division, at the Cook County Courthouse located at 219 S. Dearborn, Chicago, IL 60604 Room 682 and shall then and there present the Gunnison Condominium Association's Motion to Lift Automatic Stay, a copy of which is attached.

CERTIFICATE OF SERVICE

The undersigned, an attorney, certified that she caused this Notice of Motion along with the above mentioned Motion to Lift Automatic Stay to be served on the parties listed above at the addresses notice above by tendering a true and correct copy of the same by U.S. Mail on January 8, 2020.

The Girard Law Group, P.C.
Mary A. Johnston
4311 N. Ravenswood Ave., Suite 202
Chicago, IL 60613
(773) 598-4201
#44066



A handwritten signature in black ink, appearing to read 'Mary Johnston', is written over a horizontal line.

SERVICE LIST

Edgar Contreras
4442 W. Gunnison, Unit 1
Chicago, IL 60630

David H. Cutler
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076

Tom Vaughn
55 E. Monroe, Suite 3850
Chicago, IL 60603

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S. Dearborn, Room 873
Chicago, IL 60604

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Debtor)	
)	
)	

MOTION TO LIFT THE AUTOMATIC STAY

NOW COMES CREDITOR, Gunnison Condominium Association, by and through its attorneys, THE GIRARD LAW GROUP, P.C., and hereby moves that this Court lift the automatic stay, and in support of its Motion states as follows:

1. On November 27, 2019 the above captioned matter was filed in this Court.
2. Gunnison Condominium Association (the "Association") maintains the common elements for the property located at 4434-44 W. Gunnison Ave., Chicago, IL 60630, which includes Debtor's condominium property, 4442 W. Gunnison Ave., Unit 1, Chicago, IL 60630 (the "Property").
3. Pursuant to the Illinois Condominium Property Act, as a unit owner, Debtor is responsible for paying their proportionate share of the common expenses on a monthly basis. The Association's Declaration of Condominium also requires that Debtor pay his monthly common expenses in a timely fashion.
4. Debtor failed to pay such share of the common expenses and on August 29, 2019, after the automatic stay in a previous bankruptcy filed by Debtor and his wife was lifted, the Association obtained an Eviction Order in the Circuit Court of Cook County.
5. Debtor has failed to pay such share of the common expenses and, as a result is indebted to the Association in the amount of \$26,209.55 (\$25,004.32 in pre-petition debt and \$594.16 in post-petition debt) for the property as of January 8, 2020.

6. The Association is entitled to pursue its remedies to take possession of this property, specifically filing the Eviction with the Sheriff, based on the post-petition debt.

7. Moreover, Creditor did not receive notice of Debtor's Motion to Impose the Automatic Stay, which hearing took place on December 11, 2019.

WHEREFORE, Creditor, Gunnison Condominium Association, moves that this Court lift the automatic stay to allow the Association to proceed with enforcing the Eviction Order to obtain possession of the property located at 4442 W. Gunnison Ave., Unit 1, Chicago, IL 60630 and grant any further relief that this Court deems appropriate.

Respectfully Submitted,
Gunnison Condominium Association

By: 
One of its attorneys

The Girard Law Group, P.C.
Mary A. Johnston
4311 N. Ravenswood Ave., Suite 202
Chicago, IL 60613
(773) 598-4201
Attorney No. 44066

Exhibit A

This form is approved by the Illinois Supreme Court and is required to be used in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT <u>Cook</u> COUNTY		<i>Agreed as to assessments</i> EVICTON ORDER		For Court Use Only 19 J11 700518 Case Number
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the full names of Plaintiff, Defendants, and the case number as listed on the Eviction Complaint. Check the box for Unknown Occupants if it was checked on Eviction Complaint.		Plaintiff (For example, the landlord or owner): <u>Garrison Condominium Association</u> v. Defendants (For example, the tenants or occupants): <u>Diana Contreras & Edgar Contreras</u> <u>Unknown Occupants</u> <input checked="" type="checkbox"/> Unknown Occupants		

Notice to Defendants:

This Order is a judgment against you. It may appear on a background or credit check and affect your ability to rent housing. Do not agree to or sign off on this Order if:

- You have an agreement with Plaintiff that lets you stay in the property; or
- Plaintiff has agreed to dismiss this case if you move out by a certain date.

Check this box if the judge dismissed any Defendants from the case. Enter the names of those Defendants.

In 1, enter the complete address, including the street direction (N., E., etc.) and unit # or floor.

In 2, enter the date and time by which Defendants must move out.

In 3, enter the names of Defendants to be evicted and check the box for Unknown Occupants if it was checked on the Eviction Complaint.

In 4, check the boxes that apply. If Plaintiff is awarded money, enter the names of Defendants who have been ordered to pay the money.

Sections 1-4 must be completed.

☐ The following individuals are dismissed as Defendants, and this Order does not apply to them:

1. Plaintiff is given possession of the property located at:

4442 W. Garrison Ave.

Street address

Chicago

City

IL

State

60630

ZIP

1
Unit

2. Defendants must move out of the property on or before March 27, 2019 by ☒ 11:59 p.m.
or by ☐ _____
Time

3. Plaintiff may give the sheriff a copy of this Eviction Order. If Defendants do not move by the date and time listed above, the Sheriff is ordered to evict the following Defendants: Diana Contreras & Edgar Contreras & Unknown Occupants

☒ Unknown Occupants

4. Plaintiff is owed (check all that apply): ☐ No money claimed in Eviction Complaint

☐ Money claim dismissed and Plaintiff may seek this money in the future

☐ Money claim dismissed and Plaintiff may not seek this money in the future

☒ \$ 8,731.51 in rent or assessments

☐ \$ _____ in court costs

☐ \$ _____ in attorneys' fees (if allowed)

☒ The total judgment amount of \$ 8,731.51 is entered against the following Defendants:

Judge John G. Mulroe

AUG 29 2019

Circuit Court - 2259

☒ The Court is not yet ruling on the money claim. Case continued to 9/26/19 2 PM
for ☐ status ☒ hearing in courtroom 1406 Date Time

and the Court finds there is no just reason to delay enforcement or appeal of this Eviction Order.

Enter the name and contact information of the person completing this Order.

Name: Emad Law Group, P.C.

ENTERED: 8/29/19

Address: 4311 N. Ravenswood, #202

Date

Telephone #: 773.592.4201

Attorney # (if any): 440000

Judge

Order

(Rev. 02/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Gunnison Carol Ann

v.

No. 19 m 706518

Contreras

ORDER

This matter coming before the Court on Plaintiff's Petition for Attorneys' Fees & Costs & Defendants Motion to Extend the Stay of Execution, a hearing having occurred & the Court being fully advised IT IS SO ORDERED:

① Plaintiff's Petition for Attorneys' Fees & Costs is granted & Plaintiff is awarded \$13,905.60 in attorneys' fees & \$1,184.73 (total of \$15,090.33) none pro tunc to August 29, 2019,

② Defendant's Motion to Extend the Stay of Execution for 90 days is denied but the stay of execution ~~is~~ is extended to December 31, 2019.

Attorney No.: 440606
Name: Girard Law Group
Atty. for: IT
Address: 4311 N. Ravenswood
City/State/Zip: Chicago IL 60613
Telephone: 773 578 4201

Judge Sondra Nicole Denmark

NOV 26 2019

ENTERED:

Circuit Court- 2247

Dated:

11/26/19

Judge

Judge's No.